IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 30604 of 2007(R)

PETITIONER:

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1. K.P.MURALEEDHARAN,
   S/O LATE K.K.NARAYANAN NAIR,
   KURUNTHAZHA PUTHENVEEDU,
   CHELORA, P.O.MOWANCHERY,
   KANNUR DISTRICT.

2. RAJESH RAMAN, S/O LATE KUNHIRAMAN,
   'SAVERA', CHAKKARAKKAL,
   P.O.MOWANCHERY, KANNUR DISTRICT
   (REP. BY ITS POWER OF ATTORNEY HOLDER
   K.KUNHIRAMAN, S/O KELAPPAN, -DO- -DO-.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:

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1. THE REGIONAL TRANSPORT AUTHORITY,
   KANNUR, REP. BY ITS SECRETARY.

2. THE SECRETARY,
   RTA, KANNUR.

3. STATE TRANSPORT APPELLATE TRIBUNAL,
   ERNAKULAM.

4. K.SAJEEVAN, CHALIYAPARAMBA HOUSE,
   P.O.VENGAD.

BY ADV. SRI.O.D.SIVADAS
GOVERNMENT PLEADER SRI.P.N. SNTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE JUDGMENT IN W.P.(C). NO.15206/06 DATED 12.10.06

EXT.P2- TRUE COPY OF THE DECISION DATED 23.1.2007

EXT.P3- TRUE COPY OF THE PROCEEDINGS OF THE SECRETARY, RTA, KANNUR DATED 25.4.07

EXT.P4- TRUE COPY OF the REVISION PETITION MVARP.NO.353/2007 DATED 13.8.2007

EXT.P5- TRUE COPY OF THE ORDER OF THE STAT ALLOWING THE REVISION PETITION IN MVARP NO.353/2007 DATED 17.9.2007

(TRUE COPY)

P.A TO JUDGE

ANTONY DOMINIC, J

W.P.(C).30604/2007

Dated this the 1st day of December, 2007

JUDGMENT

Ext.P3 is the proceedings of the RTA for settling timings of the fourth respondent. The implementation of Ext.P3 timings have been settled after hearing objections of all concerned. It is seen that the fourth respondent had filed Ext.P4 revision before STAT without impleading any of the petitioners who has objected before the RTA. Revision was heard and by Ext.P5 order, Ext.P3 was set aside and the matter has been remanded back to Secretary, RTA for reconsideration.

2. Petitioners who were also objectors before the RTA have come up with this writ petition complaining that they were not impleaded before the STAT and hence as they were not impleaded in the revision filed before the STAT, it ought not have entertained the revision petition.

3. I heard the learned counsel for the petitioner and the fourth respondent.

4. Fourth respondent has no valid justification for not impleading the objectors in the revision. Since the timings were settled after hearing the objectors, I see no justification in the conduct of the fourth respondent in not impleading the affected parties in the revision petition. For that reason itself, Ext.P5 has to be set aside and I do so.

Writ petition is allowed as above.

ANTONY DOMINIC
Judge

mrcs